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January 27, 2006

Electronic Submission

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: ET Docket No. 05-331
Ex Parte

Dear Ms. Dortch:

On January 26, 2006, Anthony Ciccarello, Compliance Project Manager, and Jimmy Cheng, Project Engineer, Regulatory Affairs of Respironics, Inc. ("Respironics"), Bill Gamble of Gamble Telecommunications, Inc., and the undersigned met with Bruce Franca, Acting Chief, Julius Knapp, Deputy Chief, Bruce Romano, Associate Chief, and Alan J. Scrime, Chief, Policy & Rules Division, all of the Office of Engineering and Technology, to discuss issues raised by Respironics in its waiver request filed in the above-captioned proceeding.

Specifically, we discussed the operation of the ActiReader device, the fact that it poses no risk of interference to licensed or other primary users within the 90-110 kHz band, and the fact that its operation will not be adversely affected by other users of the band. We also discussed the various public interest benefits of the ActiReader and the hardship that would endure if medical researchers and other personnel were forced to discontinue use of the ActiReader activity monitoring devices.

A question that arose was whether the existing version of the ActiWatch activity sensors will continue to be sold after the ActiReader has been redesigned to comply with the Commission's rules.[1] In response, Respironics notes that there are 4 different models of the ActiWatch activity sensors. Three of these models, the ActiWatch 16, the ActiWatch 64 and the ActiWatch Light, will not be sold once the ActiWatch II (the redesigned ActiReader/ActiWatch) is available. Taken together, these three models account for approximately ninety percent of the projected ActiWatch sales over the next year. However, a fourth model, the ActiWatch Score, which accounts for the remaining ten percent of projected ActiWatch sales over the next year, will continue to be sold for one year following the introduction of the ActiWatch II. In addition to the ActiWatches, Respironics also offers another activity sensing device known as the ActiCal[2] which, like the ActiWatch, is a passive device that couples to the ActiReader in order to download activity data. The existing version of the ActiCal will continue to be sold for 18 to 24 months following the introduction of the ActiWatch II.[3] Finally, in keeping with FDA regulations and our responsibility to our customers, all ActiWatch and ActiCal models will continue to be supported for five years after they have been withdrawn from the market.

Given the lack of interference to or from operations in the 90-110 kHz band and the significant public interest benefits of the medical research being performed using the ActiReader and associated activity monitoring devices,[4] the Commission is respectfully requested to grant the pending waiver request.

Please do not hesitate to address any questions to the undersigned.

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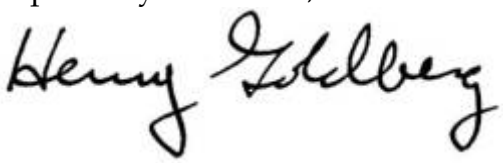
1 The redesigned ActiReader, which is expected to be available by the First Quarter of 2007, will not have a wireless download feature and will instead use a cable to download data from activity sensors to the ActiReader.

2 The ActiCal is a compact, lightweight, waist-, wrist- or ankle-worn activity monitor that may be used to assess human gross motor activity and estimates of energy expenditure based on motor activity in any instance where quantifiable analysis of physical motion is desirable.

3 Respironics expects to sell approximately 3,200 ActiCals over the next year.

4 The ActiReader/ActiWatch/ActiCal products have been sold to private sector and government researchers for sleep/wake activity studies and alertness research for a variety of groups, including the Army, Veterans Affairs and the Department of Transportation.

Respectfully submitted,



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Devendra T. Kumar
Counsel to Respironics, Inc.

cc: Bruce Franca
Julius Knapp
Bruce Romano
Alan J. Scrime